

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DATE FILED: 10/11/07

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YASMINA EDWARDS,

Plaintiff,

- against -

AMERICAN EXPRESS COMPANY,

Defendants.

Honorable Alvin K. Hellerstein

Civil Action No. 07-7340 (AKH)

**NOTICE OF
MOTION TO DISMISS**

2007

PLEASE TAKE NOTICE THAT, upon the annexed Affirmation of Jean Y. Park, Esq., sworn to on October 9, 2007, and the accompanying Memorandum of Law, dated October 9, 2007, Defendant, American Express Travel Related Services Company, Inc., erroneously denominated "American Express Company" (hereinafter, the "Company" or "Defendant"), by its attorneys, Kelley Drye & Warren LLP, will move this Court before the Honorable Alvin K. Hellerstein, U.S.D.J., at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, on a date and at a time to be designated by the Court, for an Order dismissing the Complaint, in its entirety, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that the Company fails to state a claim upon which relief can be granted, along with such other and further relief as this Court deems proper.

*Motion Denied. Under
liberal pleading rules, the
complaint states a legally sufficient
claim for relief. 10-11-07
Alvin K. Hellerstein*

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b)(2) of the United States District Court for the Southern District of New York, opposing affidavits and answering memoranda, if any, must be served upon the undersigned within ten (10) business days after service of the moving papers.

Dated: New York, New York
October 9, 2007

KELLEY DRYE & WARREN LLP

By: 
Jean Y. Park (JYP-8073)

101 Park Avenue
New York, New York 10178
(212) 808-7800
Attorneys for Defendant

To: Locksley O. Wade, Esq.
Law Office of Locksley O. Wade, LLC
15 West 39th Street, 3rd Floor
New York, New York 10018
(212) 253-4142
Attorney for plaintiff

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CIVIL ACTION NUMBER: 07-7340 (AKH)

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101 PARK AVENUE
NEW YORK, NY 10178

(212) 808-7800